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84. A method as defined in claim 69 wherein determining possible offers is based in part upon at least one risk factor and profits to be earned by the farms in growing the crop of interest.

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85. A method as defined in claim 70 wherein the aggregate economic profiles of the elevators are based at least in part upon cost and risk associated with the farms associated with the elevators.

86. A method as defined in claim 70 wherein the aggregate economic profiles of the loaders are based at least in part upon cost and risk associated with the farms associated with the loaders.

REMARKS

The applicants have carefully considered the Office action dated December 2, 2002 and the references it cites. By way of this Response, new claims 52-86 have been added and claims 1, 18-21, and 26-33 have been amended for clarity. In view of the following, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

As an initial matter, the applicants wish to thank the examiner for participating in a telephonic interview with the below signed attorney on February 12, 2003. During that interview, it was agreed that the prior art of record could be further distinguished by either: (a) emphasizing that the farms of claim 1 were distinct farms, as opposed to two plots within a single farm, or (b) emphasizing that the offer recited in claim 1 was a contractual offer. In accordance with this agreement, applicants have amended independent claims 1 and 18 to specify that the set of farms includes a first farm associated with a

first farmer and a second farm associated with a second farmer. The claims depending on claim 18 have also been amended to remove the phrase “the step(s) of” therefrom to make it clear that none of these claims are step-plus-function claims falling under 35 U.S.C. § 112, paragraph 6.

New claims 52-86 have also been added pursuant to the telephonic interview. In particular, new independent claim 52 corresponds to original claim 1 amended to specify that the farm selector selects farms to receive a contractual offer to grow the crop of interest. Dependent claims 53-68 depend from new claim 52 and largely correspond to original dependent claims 2-17. Similarly, new independent claim 69 corresponds to original claim 18 amended to recite selecting farms to receive a contractual offer to grow the crop of interest. Dependent claims 70-86 depend from new claim 69 and largely correspond to original dependent claims 19-35. It is noted for the record that the at least first and second farmers limitation added to claims 1-35 does not apply to new claims 52-86. New claims 52-86 are equally applicable to a situation wherein multiple farmers are being considered for possible contracting or when only one farmer with two or more fields, plots and/or farms is being considered for possible contracting.

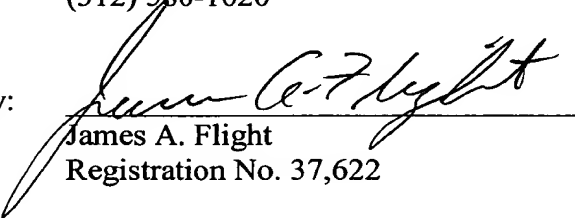
All claims are in condition for allowance.

If the Examiner is of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is invited to contact the undersigned at the number identified below.

Respectfully submitted,

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MARKED UP VERSION OF AMENDED CLAIMS

1. (Once Amended) An apparatus for selecting farms to grow a crop of interest comprising:

a database;

a farm identifier in communication with the database to develop a set of farms capable of growing the crop of interest, the set of farms including a first farm associated with a first farmer and a second farm associated with a second farmer;

a competition analyzer cooperating with the farm identifier to estimate profits to be earned by farms in the set of farms for growing at least one crop which is different from the crop of interest;

an offer developer cooperating with the competition analyzer to determine possible offers to be made to the farms in the set of farms based at least in part upon the estimated profits to be earned for growing the at least one crop which is different from the crop of interest; and

a farm selector cooperating with the offer developer to select farms from the set of farms to receive an offer to grow the crop of interest.

18. (Once Amended) A method for selecting farms to grow a crop of interest comprising [the steps of]:

developing a set of farms capable of growing the crop of interest, the set of farms including a first farm associated with a first farmer and a second farm associated with a second farmer;

estimating profits to be earned by farms in the set of farms for growing at least one crop which is different from the crop of interest;

determining possible offers to be made to the farms in the set of farms based at least in part upon the estimated profits to be earned for growing the at least one crop which is different from the crop of interest; and

selecting farms from the set of farms to receive an offer to grow the crop of interest.

19. (Once Amended) A method as defined in claim 18 wherein [the step of] selecting farms is based upon at least one of: the estimated profits developed by the offer developer, risk estimations associated with the farms in the set of farms, profit to be earned by an agricultural company, price to be charged consumers, transportation cost for transporting the crop of interest from a farm to a predefined location; transportation cost for transporting the crop of interest from a farm to a loader; transportation cost for transporting the crop of interest from a farm to an elevator; transportation cost for transporting the crop of interest from an elevator to the predefined location; transportation cost for transporting the crop of interest from a loader to the predefined location; aggregate economic profiles of elevators associated with the farms in the set of farms; and aggregate economic profiles of loaders associated with the farms in the set of farms.

20. (Once Amended) A method as defined in claim 18 wherein [the step of] developing the set of farms is performed by considering at least one of: elevator capability to handle the crop of interest, loader capability to handle the crop of interest, farm capability to grow the crop of interest, farm capability to grow a predefined quantity of the crop of interest, and farm capability to grow the crop of interest within a predetermined schedule.

21. (Once Amended) A method as defined in claim 18 wherein [the step of] developing the set of farms is performed by accessing a database.

26. (Once Amended) A method as defined in claim 18 wherein [the step of] developing the set of farms further comprises [the steps of]:

identifying elevators/loaders that cannot handle the crop of interest;
eliminating farms from the set of farms that are associated with only
the elevators/loaders that cannot handle the crop of interest; and
eliminating farms that cannot grow the crop of interest from the set of
farms.

27. (Once Amended) A method as defined in claim 18 wherein
[the step of] estimating profits further comprises [the steps of]:

estimating a profit that a farm in the set of farms can expect to earn by
growing the at least one crop which is different from the crop of interest; and
selecting a most profitable crop for the farm from the at least one crop
which is different from the crop of interest.

28. (Once Amended) A method as defined in claim 18 wherein
[the step of] determining possible offers further comprises [the steps of]:

estimating a quantity of the crop of interest to be produced by a farm of
interest in the set of farms; and
developing a price to be offered the farm of interest to grow the
estimated quantity of the crop of interest.

29. (Once Amended) A method as defined in claim 28 wherein
[the step of] determining possible offers further comprises [the steps of]:

identifying a risk factor associated with the farm of interest; and
adjusting the price to be offered the farm of interest to grow the
quantity of the crop of interest based at least in part upon the risk factor.

30. (Once Amended) A method as defined in claim 18 wherein
[the step of] selecting farms further comprises [the steps of]:

selecting a preferred set of farms from the set of farms based on at least one of: (i) a risk factor, (ii) an expected profit, and (iii) an expected quantity;

developing an aggregate economic profile for each elevator/loader associated with a farm in the preferred set of farms; and

selecting farms to receive an offer to grow the crop of interest based on the developed aggregate economic profiles and the quantity of the crop of interest to be grown .

31. (Once Amended) A method as defined in claim 18 wherein [the step of] estimating profits further comprises [the step of] estimating the profits to be earned by farms in the set of farms for growing the at least one crop which is different from the crop of interest based upon at least one current market price.

32. (Once Amended) A method as defined in claim 18 wherein, for a farm in question associated with more than one elevator/loader, [the step of] determining possible offers comprises determining the possible offer based upon the elevator/loader with a highest relative profit to be earned by the farm in question.

33. (Once Amended) A method as defined in claim 18 wherein [the step of] determining possible offers is based in part upon at least one risk factor and profits to be earned by the farms in growing the crop of interest.